

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TIMOTHY S. DALY,
Defendant.

CASE NO: **4:21CR3141**

DETENTION ORDER

On the government's motion, the court held a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f). The court concludes the defendant must be detained.

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a felony involving a minor. The defendant has not rebutted this presumption.

Based on the evidence presented and information of record, the court finds by clear and convincing evidence that the defendant's release would pose a risk of harm to the public. Specifically, for the purposes of the detention hearing, the court finds that using the internet, the defendant pursued prostitution with a minor even after she stated she was only 15 years old, including travelling to the meeting location with \$200, a condom, and the fast food the girl had requested. Electronic monitoring will not ameliorate the risk: It may assist in monitoring the defendant's whereabouts and that he is home during court-ordered hours, but sexual solicitation of children by internet is typically done from the confines of a home. And while disconnecting his home access to the internet may somewhat impede further attempts to connect with children for the purposes of soliciting sex, the risk of harm to children arising from Defendant's conduct is substantial and that harm outweighs his promise to have no internet access from any location, particularly since the internet is ubiquitous and defendant's access to it would be difficult to discern, supervise, and eliminate.

Under the facts presented, the court knows of no conditions which would sufficiently ameliorate the risk of harm posed if defendant is released.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of the United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Dated November 20, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge